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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|----------------------------|------------------------|
| 10/812,359 | 03/30/2004 | Youichi Zenda | 001309.00060 | 4112 |
| 22907 7590 04/26/2007 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051 | | | EXAMINER ING, MATTHEW W | |
| | | | ART UNIT 3637 | PAPER NUMBER |
| | | | MAIL DATE 04/26/2007 | DELIVERY MODE PAPER |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|---|-------------------------------|------------------------------|--|
| Advisory Action Before the Filing of an Appeal Brief | Application No. 10/812,359 | Applicant(s) ZENDA ET AL. | |
| | Examiner Matthew W. Ing | Art Unit 3637 | |

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 28 March 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 4 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

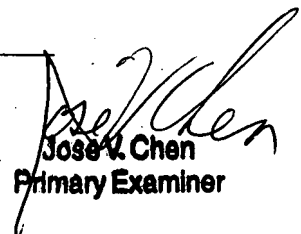
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: NONE.
Claim(s) objected to: NONE.
Claim(s) rejected: 4, 7, 10 and 13-18.
Claim(s) withdrawn from consideration: NONE.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____


Jose V. Chen
Primary Examiner

Continuation of 3. NOTE:

The amendment of claim 10 to read upon a cancelled claim renders the scope of this claim indefinite, and thus presents a new issue.

Although claim 4, in the proposed amendment to the claims, contains allowable subject matter, this claim would still be rejected under 35 U.S.C. 112, second paragraph, as being indefinite, since said claim fails to recite sufficient structural elements and interconnection of the elements to positively position and define the structure(s) whereby the free motion rotating body is supported by the object; and whereby the rear end side of the object is supported in the box body; and whereby the object, having its front end side supported by the free motion rotating body, can simultaneously provide support to the free motion rotating body (as suggested by lines 7-10 of claim 4).

With regard to claim 4, it is noted that replacement of the word "wherein", in line 1, with the phrase "comprising means whereby", would receive favorable consideration. Additionally, it is noted that replacement of the phrase "capable of being suspended", in line 9, with "movably mounted" would receive favorable consideration. Additionally, it is noted that inclusion of the phrase ", contacts, and" after the word "body", in line 11, would receive favorable consideration. Additionally, it is noted that inclusion of the word "directly" before the word "connected", in line 14, would receive favorable consideration.

Further regarding claim 4, it is noted that definition of two positions - one in which the object is initially moved and the free motion rotating body is supported by the object through a rail & rotor at a position floating from the floor; and another in which the bottom end of the free motion rotating body directly contacted the floor and the free motion rotating body supports the front end side of the object by making a rolling movement - would receive favorable consideration.

Regarding claim 15, it is noted that deletion of the phrase "a body", in line 2, would receive favorable consideration.

Regarding claim 18, it is noted that replacement of the word "object", in line 2, with the word "drawer" would receive favorable consideration.